

04 JUL 29 PM 3:03

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et. al.

Plaintiffs,

vs.

CINERGY CORP.

Defendant.

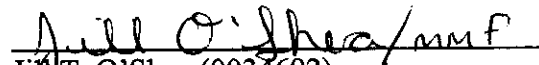
Case No. C-I-01-378

Judge Susan J. Dlott

DEFENDANT, CINERGY CORP.'S
INSTANTER MOTION FOR LEAVE TO
FILE DEFENDANT, CINERGY CORP.'S,
MOTION TO SEVER PLAINTIFFS'
CLAIMS

Comes now Defendant, Cinergy Corp., and respectfully moves the Court for leave to file Defendant, Cinergy Corp.'s, Motion To Sever Plaintiffs' Claims (Supporting Affidavits Attached Hereto) be filed confidential and under seal, for good cause shown. This Motion is supported by the within Memorandum.

Respectfully submitted,


Jill T. O'Shea (0034692)

Attorney for Defendant,


Cinergy Corp.

139 East Fourth St., Room 25 AT II

Cincinnati, Ohio 45201-0960

Telephone: (513) 287-2062

Facsimile: (513) 287-2996


Gregory V. Merso (0030838)

John B. Lewis (0013156)

BAKER & HOSTETLER LLP

3200 National City Center

1900 East Ninth St.

Cleveland, OH 44114-3485

Telephone: (216) 621-0200

Facsimile: (216) 696-0740

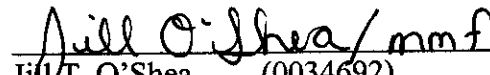
Attorneys for Defendant,

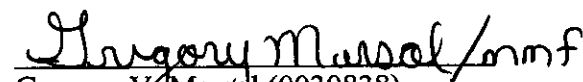
Cinergy Corp.

MEMORANDUM

Defendant, Cinergy Corp.'s, Motion To Sever Plaintiffs' Claims (Supporting Affidavits Attached Hereto) references confidential medical records of the Plaintiff, Todd Tolbert, and thus should not be a matter of public record. Thus, for good cause shown, Defendant, Cinergy Corp., respectfully requests that this Court grant Defendant's Instant Motion for Leave to File Defendant, Cinergy Corp.'s, Motion To Sever Plaintiffs' Claim (Supporting Affidavits Attached Hereto) Confidential and Under Seal.

Respectfully submitted,


Jill T. O'Shea (0034692)
Attorney for Defendant, Cinergy Corp.
139 E. Fourth Street, 25 Atrium II
P.O. Box 960
Cincinnati, OH 45201-0960
Phone: (513) 287-2062
Fax: (513) 287-3810


Gregory V. Mersel (0030838)
John B. Lewis (0013156)
BAKER & HOSTETLER LLP
3200 National City Center
1900 East Ninth St.
Cleveland, OH 44114-3485
Telephone: (216) 621-0200
Facsimile: (216) 696-0740

*Attorneys for Defendant,
Cinergy Corp.*

CERTIFICATE OF SERVICE

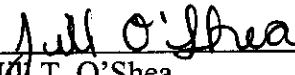
I certify that a copy of the foregoing pleading was forwarded via ordinary mail this 28th
day of July, 2004 to:

Paul H. Tobias
David D. Kammer
TOBIAS, KRAUS & TORCHIA, LLP
414 Walnut Street
Suite 911
Cincinnati, OH 45202

David W. Sanford, Esq.
Sanford, Wittels & Heisler, LLP
2120 K Street NW
Suite 700
Washington, D.C. 20037

Barry Vaughn Frederick
Herman Nathaniel Johnson, Jr.
Robert L. Wiggins
Ann K. Wiggins
Susan Donahue
Robert F. Childs
Wiggins, Childs, Quinn & Pantazis, P.C.
1400 South Trust Tower
420 North 20th Street
Birmingham, Alabama 35203

Grant E. Morris
Law Offices of Grant E. Morris
7 DuPont Circle, N.W.
Suite 250
Washington, D.C. 20036


J. T. O'Shea